

Amendment No. 1 to HB2063

Jones U
Signature of Sponsor

AMEND Senate Bill No. 1892*

House Bill No. 2063

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-82-307, is amended by adding the following language as a new, appropriately designated subsection:

() Notwithstanding any provision of law to the contrary, after the effective date of this act a vacancy occurring on the board of commissioners of any water utility district having less than one thousand six hundred (1,600) subscribers in any county having a population of not less than thirty-nine thousand nine hundred (39,900) nor more than forty thousand (40,000), according to the 2000 federal census or any subsequent federal census, shall be filled by appointment of the county mayor. Within sixty (60) days after the occurrence of a vacancy in the office of any commissioner caused by death, resignation, disability, or forfeiture of office, and no later than thirty (30) days prior to the expiration of the term of office of any incumbent commissioner, the board of commissioners or its remaining members shall select three (3) nominees to fill such office, in full accordance with any residential requirements that may apply to the office vacated or to be vacated, and under the seal of the board of commissioners, shall certify such list of nominees in order of preference recommended by such commissioners, to the county mayor of the county in which the utility district or its principal office is located. Within twenty-one (21) days after the issuance of certification by the board of commissioners to the county mayor, the county mayor may enter an order either appointing one (1) of the nominees or rejecting the entire list or may refrain from taking any action, in which event the first name on the list of nominees shall be deemed appointed to fill the vacancy or new term by operation of law. Any order either appointing or rejecting a list of nominees

shall be entered of record on the minutes of the county legislative body and a certified copy thereof shall be furnished to the board of commissioners and to the appointee.

Upon the rejection of any entire list of nominees by the county mayor, the county legislative body of the county in which the utility district or its principal office is located shall, upon a majority vote of the county legislative body, submit (3) nominees to the county mayor to fill such office, in full accordance with any residential requirements that may apply to the office vacated or to be vacated. The county legislative body shall certify such list of nominees in order of preference recommended by such legislative body, to the county mayor. Within twenty-one (21) days after the county mayor receives such nominations, the county mayor may enter an order either appointing one (1) of the nominees or rejecting the entire list or may refrain from taking any action, in which event the first name on the list of nominees shall be deemed appointed to fill the vacancy or new term by operation of law. Any order either appointing or rejecting a list of nominees submitted by the county legislative body shall be entered of record on the minutes of the county legislative body and a certified copy thereof shall be furnished to the board of commissioners and to the appointee; provided, that upon the rejection of any entire list of nominees by the county mayor, the county legislative body shall continue to submit new nonidentical lists of three (3) nominees to the county mayor within sixty (60) days after each such rejection until such procedure shall result in the vacancy being filled for the remainder of the term or for the new term, as herein provided.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.